

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CLEVELAND BROWNS FOOTBALL)	CASE NO. 1:24-cv-01857
COMPANY LLC,)	
)	
Plaintiff,)	
)	JUDGE DAVID A. RUIZ
v.)	
)	
CITY OF CLEVELAND,)	
)	ORDER
Defendant.)	

Plaintiff Cleveland Browns Football Company LLC filed this action against Defendant City of Cleveland on October 24, 2024. (R. 1). The original Complaint in part challenged the constitutionality of section 9.67 of the Ohio Revised Code. (*Id.* at PageID# 9–16). The State of Ohio moved to intervene. (R. 8). Plaintiff responded with a notice of non-opposition to the State’s intervention. (R. 9). Then, Plaintiff filed an Amended Complaint. (R. 12). The Amended Complaint also challenges the constitutionality of section 9.67 of the Ohio Revised Code. (*Id.* at PageID# 67–74). The State renewed its motion to intervene. (R. 13). The State asserts that because Plaintiff challenges an Ohio statute’s constitutionality, 28 U.S.C. § 2403(b) guarantees the State “the right to intervene and defend the constitutionality of” the statute. (R. 8, PageID# 37; *see* R. 13).

Pursuant to section 2403(b),

[i]n any action, suit, or proceeding in a court of the United States to which a State or any agency, officer, or employee thereof is not a party, wherein the constitutionality of any statute of that State affecting the public interest is drawn in question, the court...shall permit the State to intervene for presentation of evidence,

if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The State shall, subject to the applicable provisions of law, have all the rights of a party....

28 U.S.C. § 2403(b). Here, because Plaintiff's Amended Complaint makes constitutional challenges to section 9.67 of the Ohio Revised Code, (R. 12, PageID# 67–74), section 2403(b) provides the State a statutory right to intervene in this case. The State's renewed motion to intervene, (R. 13), is granted. The State's initial motion to intervene, (R. 8), is denied as moot.

The deadline to file a response or move for an enlargement of time to respond to the Amended Complaint is December 16, 2024.

IT IS SO ORDERED.

Dated: November 26, 2024

s/ *David A. Ruiz*

David A. Ruiz

United States District Judge